



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,904	01/29/2001	Lorin R. Debonte	07148-063003 / A15-505.35	7898
26191	7590	01/07/2003	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RASCHER PLAZA 60 SOUTH SIXTH STREET MINNEAPOLIS, MN 55402			MCELWAIN, ELIZABETH F	
ART UNIT		PAPER NUMBER		
		1638		
DATE MAILED: 01/07/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 given that claims 1, 2, 4, 5, 16, 17, 26, 28, 30, 39, 42, 44 and 46 recite a sequence which is greater than four 5 amino acids, but does not recite the appropriate sequence identifier. The same sequence is also present at page 10 of the specification. A sequence identifier must be provided in every instance. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant is given ONE MONTH from the mailing date of this communication within 10 which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

15

In addition to the requirement to comply with sequence rules, applicant also is required to the following:

The amendment filed January 24, 2002 inaccurately sets forth in the marked-up copy the changes that were made. See for example in Tables 1-6 and 20, no SEQ ID numbers were 20 present in the application, as originally filed. However, the marked-up copy does not reflect all

of these changes. A new marked-up copy is required, which indicates every change introduced by the amendment.

A substitute copy of the figures is required. Each figure must have a larger margin at the top of each page. Holes were punched through the sequences and headings at the top of each 5 page, since there was an insufficient margin.

Full compliance with the sequence rules is required in response to this office action. A complete response to this office action must include both compliance with the sequence rules and a response to the additional issues set forth above. Failure to comply with all of these 10 requirements in the time period set forth in this office action will be held to be non-responsive.

Please note that a Declaration signed by Guo-Hua Miao was received June 12, 2002, and the address of Johnston, Iowa has been entered.

15

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth F. McElwain whose telephone number is (703) 308-1794. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

20

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson, can be reached at (703) 306-3218. The fax phone number for this Group is (703) 308-4242. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989).

25

Serial No. 09/771,904
Art Unit 1638

-4-

Any inquiry of a general nature or relating to the status of this application should be directed to the legal analyst, Tiffiany Tabb, whose telephone number is (703) 605-1238, or to the Group receptionist whose telephone number is (703) 308-0196.

5 Elizabeth F. McElwain, Ph.D.
December 31, 2002

E.F.M.
ELIZABETH F. McELWAIN
PRIMARY EXAMINER
GROUP 1600

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

1. This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to these regulations, published at 114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
7. Other: See attached pages.

Applicant must provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123
For CRF submission help, call (703) 308-4212
For PatentIn software help, call (703) 557-0400

Please return a copy of this notice with your response.